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# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,616	12/28/2000	Michel Bruno	CH919990030US1	9446

7590 12/07/2001

Robert M. Trepp  
IBM CORPORATION  
Intellectual Property Law Dept.  
P.O. Box 218  
Yorktown Heights, NY 10598

EXAMINER

CONE, DARIUS N

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 12/07/2001

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/752,616

Applicant(s)

BRUNO ET AL.

Examiner

Darius N. Cone

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspond nc address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 16-30 is/are rejected.
- 7) ☐ Claim(s) 14 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

**DETAILED ACTION*****Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims ~~1-30~~<sup>1-13 & 16-30</sup> are rejected under 35 U.S.C. 103(a) as being unpatentable over Biebuyck et al. (US pat #5,817,242) in view of Biebuyck et al. (US pat #5,925,259)

With respect to claims 1 & 2, Biebuyck et al. teach a stamp device for printing a pattern on a surface of a substrate having a carrier layer provided on it's first side a patterned material (12), combined with a second side made of a softer material (11) forming a two-sided rigid carrier layer. An elastic layer (14) can also be added over the patterned material (12) or PMMA. While Biebuyck et al. (US pat #5,817,242) teach the two-sided rigid carrier layer there is no mention of a specific contact means having a soft layer, that which Biebuyck et al. (US pat #5,925,259) teach by using a printing master roller (95), which carries an elastic layer (951). Biebuyck et al. (US pat #5,925,259) also teach that printing should not be restricted to a flat form and rollers or half-spheres is an effective means of transferring a stamped pattern onto a substrate, making it obvious to one ordinary skilled in the art to modify Biebuyck et al. (US pat #5,817,242) to optimize the properties of the materials independently of each other, thus it's advantageous to have a patterned layer to which features can be readily written by a lithographic press. It is also advantageous to produce the patterned layer from a

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preferably non-deformable material, which accurately preserves the pattern, therefore, the need for a two-sided rigid carrier layer.

With respect to claims 3-6, (see Biebuyck et al., US pat #5,817,242, col. 2, lines 33-50).

With respect to claims 7-10 & 29 (see Biebuyck et al. US pat #5,925,259, col. 2, lines 58-67; col. 3, lines 1-12).

With respect to claims 12, 13, 16, 18 & 19 (see Biebuyck et al. US pat #5,925,259, col. 8, lines 1-20).

With respect to claim 17 & 27, (see Biebuyck et al. US pat #5,817,242, col. 3, lines 35-38).

With respect to claims 20, 21, 28 & 30 (see Biebuyck et al. US pat #5,925,259, col. 7, lines 34-54; col. 8, lines 58-65).

With respect to claims 22-26, (see Biebuyck et al. US pat #5,817,242).

***Allowable Subject Matter***

3. Claims 14 & 15 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The applicant's attention is invited to the patent Levinson et al. (US pat # 6,140,023), Suleski (US pat # 6,027,595), Yializis (US pat # 6,083,628).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darius N. Cone whose telephone number is (703) 308-1061. The examiner can normally be reached on 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John S. Hilten can be reached on (703) 308-0791. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5841 for regular communications and n/a for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

DNC

December 3, 2001



JOHN S. HILTEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800